

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**MACKENZIE HILL,**

*Plaintiff,*

**v.**

**UNIFI AVIATION, LLC and  
THE ESTATE OF DAVID RENNER,**

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 23-cv-00970**

**DEFENDANT UNIFI AVIATION, LLC’S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Unifi Aviation, LLC (“Unifi”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, gives notice to this Court of the removal of Cause No. 2023PC02901 from the Probate Court No. 1 of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division.

**I. BACKGROUND**

1. This action arises from Plaintiff’s alleged witnessing of a Unifi employee’s ingestion into the engine of a Delta Air Lines aircraft on June 23, 2023 in San Antonio, Texas. Plaintiff alleges various claims against Unifi and the former employee’s estate, including claims for negligent hiring, supervision, and retention; intentional infliction of emotional distress; and alleged violations of the Deceptive Trade Practices Act. Pl.’s Orig. Pet., ¶¶ 7.1 – 7.25, **Ex. C-1**.

2. On August 2, 2023, Plaintiff filed her Original Petition in Probate Court No. 1 of Bexar County, Texas under Cause No. 2023PC02901. Pl.’s Orig. Pet., **Ex. C-1**.

3. Pursuant to Federal Rule of Civil Procedure 7.1, Unifi’s Disclosure Statement is attached as **Exhibit A**. Further, a copy of the docket sheet in the state court action is attached as

**Exhibit B**; the relevant pleadings on file in the state court action are attached as **Exhibits C-1** through **C-3**<sup>1</sup>; the civil cover sheet is attached as **Exhibit D**; and the supplemental civil cover sheet is attached as **Exhibit E**.

## **II. BASIS FOR REMOVAL**

### **A. Amount in controversy.**

4. The amount in controversy in this lawsuit exceeds \$75,000.00, exclusive of interests and costs. See Pl.'s Orig. Pet., ¶ 14.1, **Ex. C-1** (seeking monetary relief of over \$1,000,000). Thus, Unifi is entitled to remove this action to this Court under 28 U.S.C. §§ 1332 and 1441(a).

### **B. Diversity of citizenship.**

5. At the time the Petition was filed, and at the time of removal, Plaintiff was a resident of and domiciled in **Texas**. Pl.'s Orig. Pet., ¶ 2.1, **Ex. C-1**.

6. Unifi is a **Delaware** limited liability company with its principal place of business in Atlanta, **Georgia**.

7. “[T]he citizenship of a LLC is determined by the citizenship of all of its members.” *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

8. The sole member of Unifi is AirCo Aviation Services, LLC, a **Delaware** limited liability company with its principal place of business in Atlanta, **Georgia**.

9. AirCo Aviation Services, LLC, in turn, consists of three members: (1) Delta Air Lines, Inc., a **Delaware** corporation<sup>2</sup> with its principal place of business in Atlanta, **Georgia**; (2) Scrub Holdings, Inc., a **Delaware** corporation with its principal place of business in Atlanta,

---

<sup>1</sup> Unifi has attached to this Notice of Removal the Plaintiff's Original Petition, Unifi's Original Answer, and Unifi's Notice to State Court of Removal to Federal Court.

<sup>2</sup> For diversity purposes, “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1).

**Georgia**; and (3) Argenbright Holdings IV, LLC, a **Delaware** LLC with its principal place of business in Atlanta, **Georgia**.

10. Argenbright Holdings IV, LLC has a sole member, Argenbright Holdings V, LLC, also a **Delaware** LLC with its principal place of business in Atlanta, **Georgia**.

11. Argenbright Holdings V, LLC's sole member, in turn, is Argenbright Master Holding, LLC, also a **Delaware** corporation with its principal place of business in Atlanta, **Georgia**.

12. Argenbright Master Holding, LLC consists of three members: (1) Frank A. Argenbright, Jr.; (2) the Sarah Blythe Argenbright and Descendants Nevada Trust; and (3) the Hunter B. Argenbright and Descendants Nevada Trust.

13. Frank A. Argenbright, Jr. is a resident and domiciliary of **Florida**.

14. The co-trustees<sup>3</sup> of the Sarah Blythe Argenbright and Descendants Nevada Trust, which was formed in **Nevada**, are the (1) Alliance Trust Company of Nevada (formed in **Nevada** with its principal place of business in Reno, **Nevada**); (2) Karan Ishwar (resident and domiciliary of **Georgia**); and (3) Sarah B. Argenbright (resident and domiciliary of **Georgia**).

15. The co-trustees of the Hunter B. Argenbright and Descendants Nevada Trust, which was formed in Nevada, are (1) the Alliance Trust Company of Nevada (formed in **Nevada** with its principal place of business in Reno, **Nevada**); (2) Karan Iswhar (resident and domiciliary of **Georgia**); and (3) Hunter B. Argenbright (resident and domiciliary of **New York**).

---

<sup>3</sup> "When determining the citizenship of the real parties in interest for purposes of diversity jurisdiction, it is the citizenship of the trustee which controls." *Deutsche Bank Nat. Tr. Co. v. Ra Surasak Ketmayura*, No. A-14-CV-00931-LY-ML, 2015 WL 3899050, at \*4 (W.D. Tex. June 11, 2015), *report and recommendation approved sub nom. Deutsche Bank Nat'l Tr. Co. as Tr. for Registered Holders of Morgan Stanley ABS Cap. I Inc. Tr. 2007-NC4 Mortg. Pass Through Certificates, Series 2007-NC4 v. Ketmayura*, No. A-14-CV-931-LY, 2015 WL 13802506 (W.D. Tex. Oct. 9, 2015).

16. Accordingly, for jurisdictional purposes, Unifi is a citizen of **Delaware, Florida, Georgia, Nevada, and New York.**

17. The Estate of David Renner is not a proper party to this lawsuit, as an action may not be brought against an estate, which is not a legal entity. *Embrey v. Royal Ins. Co. of Am.*, 22 S.W.3d 414, 415 n.2 (Tex. 2000) (“An estate itself is not a legal entity and therefore cannot sue or be sued.”). Moreover, consent for this removal is not required because the Estate of David Renner has not been properly joined and served. *See* 28 U.S.C. § 1446(b)(2)(A) (stating that defendants who have “been properly joined and served” must consent).

18. Plaintiff is not a citizen of Delaware, Florida, Georgia, Nevada, or New York. Likewise, neither Unifi nor any of its members are citizens of Texas. Thus, completely diversity exists between the proper parties to this lawsuit, and it is removable under 28 U.S.C. § 1441.

### **III. REMOVAL PROCEDURE**

19. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within 30 days after Unifi’s receipt of Plaintiff’s Original Petition.

20. Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332. Unifi has complied with all applicable provisions of 28 U.S.C. §1441, *et seq.*, the applicable Federal Rules of Civil Procedure, and the Local Rules of the Western District of Texas.

21. The appropriate filing fee has been tendered to the Clerk of the United States District Court for the Western District of Texas along with the Notice of Removal.

22. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties promptly after the filing of same. Pursuant to 28

U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Probate Court of Bexar County, Texas promptly after the filing of this Notice of Removal. A copy of the state court notice is attached as **Exhibit C-3**.

#### **IV. CONCLUSION**

23. Unifi timely removes this action for trial from the Probate Court No. 1 of Bexar County, Texas to this Court.

Respectfully submitted,

/s/ Stuart B. Brown, Jr.

Stuart B. Brown, Jr.

State Bar No. 24006914

[bbrown@jw.com](mailto:bbrown@jw.com)

Kshitiz Gautam

State Bar No. 24131877

[kgautam@jw.com](mailto:kgautam@jw.com)

**JACKSON WALKER LLP**

2323 Ross Ave., Suite 600

Dallas, Texas 75201

(214) 953-6000

(214) 661-6608 – facsimile

Josué J. Galván

State Bar No. 24101784

[jgalvan@jw.com](mailto:jgalvan@jw.com)

**JACKSON WALKER LLP**

1900 Broadway, Suite 1200

San Antonio, Texas 78215

(210) 978-7790

(210) 242-4694 - facsimile

**ATTORNEYS FOR DEFENDANT UNIFI  
AVIATION, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2023, a copy of the foregoing document was filed electronically using the Court's Electronic Case Filing System. Notice of this filing will be sent electronically to counsel of record using the Court's electronic notification system. Parties may access this filing through the Court's Electronic Case Filing System.

/s/ Stuart B. Brown, Jr.

Stuart B. Brown, Jr.